

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

|   |   |                    |
|---|---|--------------------|
| <b>MARCO HERNANDEZ</b>                    | ) |                    |
| Claimant                                  | ) |                    |
| VS.                                       | ) |                    |
|   | ) |                    |
| <b>TWECO PRODUCTS, INC.</b>               | ) | Docket No. 199,849 |
| Respondent                                | ) |                    |
| AND                                       | ) |                    |
|   | ) |                    |
| <b>INSURANCE COMPANY OF NORTH AMERICA</b> | ) |                    |
| Insurance Carrier                         | ) |                    |
| AND                                       | ) |                    |
|   | ) |                    |
| <b>KANSAS WORKERS COMPENSATION FUND</b>   | ) |                    |

**ORDER**

Claimant appeals from the Award of Administrative Law Judge Nelsonna Potts Barnes dated January 21, 1998. Oral Argument was heard in Wichita, Kansas, on August 14, 1998.

**APPEARANCES**

Claimant appeared by his attorney, Joseph Seiwert of Wichita, Kansas. Respondent and its insurance carrier appeared by Richard J. Liby appearing for Vincent A. Burnett of Wichita, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Susan K. Ellis of Wichita, Kansas. There were no other appearances.

**RECORD AND STIPULATIONS**

The record and stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

**ISSUES**

- (1) What is the nature and extent of claimant's injury and/or disability?
- (2) What is claimant's average weekly wage?
- (3) Did claimant suffer an intervening work-related injury after his employment with respondent?

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the whole evidentiary record filed herein, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds that the Award of the Administrative Law Judge sets out findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The findings and conclusions as specifically set forth in the Award of the Administrative Law Judge are accurate and appropriate, and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein as to the issues raised.

The finding by the Administrative Law Judge that claimant suffered a 5 percent permanent partial impairment of function of the right upper extremity at the level of the wrist is fully supported by the record. In so finding, the Administrative Law Judge renders the issue regarding whether claimant suffered an intervening injury, subsequent to his employment with respondent, moot.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Nelsonna Potts Barnes dated January 21, 1998, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September 1998.

---

BOARD MEMBER

---

BOARD MEMBER

---

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS  
Vincent A. Burnett, Wichita, KS  
Susan K. Ellis, Wichita, KS  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director